

U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:22-cv-00279-MN

Kytch, Inc. v. McDonald's Corporation
Assigned to: Judge Maryellen Noreika
Related Case: 1:22-cv-00606-MN
Cause: 15:1125 Trademark Infringement (Lanham Act)

Date Filed: 03/01/2022
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

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V.

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Date Filed	#	Docket Text
03/01/2022	<u>I 1</u>	COMPLAINT filed with Jury Demand against McDonald's Corporation – Magistrate Consent Notice to Pltf. (Filing fee \$ 402, receipt number ADEDC-3814980.) – filed by Kytch, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Civil Cover Sheet)(mal) (Entered: 03/02/2022)
03/01/2022	<u>I 2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (mal) (Entered: 03/02/2022)
03/02/2022	<u>I 3</u>	Summons Issued with Magistrate Consent Notice attached as to McDonald's Corporation on 3/2/2022. (mal) (Entered: 03/02/2022)
03/02/2022	<u>I 4</u>	SUMMONS Returned Executed by Kytch, Inc.. McDonald's Corporation served on 3/2/2022, answer due 3/23/2022. (Farnan, Brian) (Entered: 03/02/2022)
03/09/2022	<u>I</u>	Case Assigned to Judge Maryellen Noreika. Please include the initials of the Judge (MN) after the case number on all documents filed. (rjb) (Entered: 03/09/2022)

03/10/2022	<u>I 5</u>	STIPULATION TO EXTEND TIME to Respond to the Complaint to April 22, 2022 – filed by McDonald's Corporation. (Gaza, Anne) (Entered: 03/10/2022)
03/11/2022	<u>I</u>	SO ORDERED, re <u>5</u> STIPULATION TO EXTEND TIME to Respond to the Complaint to April 22, 2022. Set/Reset Answer Deadlines: McDonald's Corporation answer due 4/22/2022. Ordered by Judge Maryellen Noreika on 3/11/2022. (asw) (Entered: 03/11/2022)
03/11/2022	<u>I 6</u>	NOTICE of Appearance by Elena C. Norman on behalf of McDonald's Corporation (Norman, Elena) (Entered: 03/11/2022)
03/11/2022	<u>I 7</u>	MOTION for Pro Hac Vice Appearance of Attorney Catherine Y. Lui, Kristopher R. Wood, and Nicole Gelsomini – filed by McDonald's Corporation. (Wilson, Samantha) (Entered: 03/11/2022)
03/14/2022	<u>I</u>	SO ORDERED re <u>7</u> MOTION for Pro Hac Vice Appearance of Attorney Catherine Y. Lui, Kristopher R. Wood, and Nicole Gelsomini filed by McDonald's Corporation. ORDERED by Judge Maryellen Noreika on 3/14/2022. (dlw) (Entered: 03/14/2022)
03/14/2022	<u>I</u>	Pro Hac Vice Attorney Kristopher R Wood,Catherine Y. Lui,Nicole Gelsomini for McDonald's Corporation added for electronic noticing. Pursuant to Local Rule 83.5 (d)., Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (mpb) (Entered: 03/14/2022)
03/15/2022	<u>I 8</u>	MOTION for Pro Hac Vice Appearance of Attorney Elizabeth M. Locke and Daniel P. Watkins – filed by Kytch, Inc.. (Farnan, Brian) (Entered: 03/15/2022)
03/15/2022	<u>I</u>	SO ORDERED re <u>8</u> MOTION for Pro Hac Vice Appearance of Attorney Elizabeth M. Locke and Daniel P. Watkins filed by Kytch, Inc. ORDERED by Judge Maryellen Noreika on 3/15/2022. (dlw) (Entered: 03/15/2022)
03/16/2022	<u>I</u>	Pro Hac Vice Attorney Elizabeth M Locke and Daniel P Watkins for Kytch, Inc. added for electronic noticing. Pursuant to Local Rule 83.5 (d)., Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (mpb) (Entered: 03/16/2022)
04/22/2022	<u>I 9</u>	MOTION to Dismiss or For a More Definite Statement as to Bus & Prof Code § 17200 Claim – filed by McDonald's Corporation. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> 7.1.1 Certification)(Gaza, Anne) Modified on 4/25/2022 (dlw). (Entered: 04/22/2022)
04/22/2022	<u>I 10</u>	OPENING BRIEF in Support re <u>9</u> MOTION to Dismiss or For a More Definite Statement as to Bus & Prof Code § 17200 Claim filed by McDonald's Corporation. Answering Brief/Response due date per Local Rules is 5/6/2022. (Gaza, Anne) Modified on 4/25/2022 (dlw). (Entered: 04/22/2022)
04/22/2022	<u>I 11</u>	DECLARATION of Kristopher R. Wood re <u>9</u> MOTION to Dismiss or For a More Definite Statement as to Bus & Prof Code § 17200 Claim by McDonald's Corporation. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Gaza, Anne) Modified on 4/25/2022 (dlw). (Entered: 04/22/2022)
04/22/2022	<u>I 12</u>	Disclosure Statement pursuant to Rule 7.1: No Parents or Affiliates Listed filed by McDonald's Corporation. (Gaza, Anne) (Entered: 04/22/2022)
04/26/2022	<u>I</u>	Pro Hac Vice Attorney Catherine Y. Lui for McDonald's Corporation added for electronic noticing. Pursuant to Local Rule 83.5 (d)., Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (twk) (Entered: 04/26/2022)
04/26/2022	<u>I</u>	Pro Hac Vice Attorney Catherine Y. Lui for McDonald's Corporation added for electronic noticing. Pursuant to Local Rule 83.5 (d)., Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (mpb) (Entered: 04/26/2022)
04/28/2022	<u>I 13</u>	

		STIPULATION TO EXTEND TIME to EXTEND the deadlines for: (i) Plaintiff's response to Defendant's Motion to Dismiss and (ii) Defendant's Reply in Support of its Motion to Dismiss to (i) 5/27/2022 and (ii) 6/13/2022 – filed by Kytch, Inc.. (Farnan, Brian) (Entered: 04/28/2022)
04/28/2022	<u>I</u>	SO ORDERED re <u>13</u> STIPULATION TO EXTEND TIME for: (i) Plaintiff's response to Defendant's Motion to Dismiss and (ii) Defendant's Reply in Support of its Motion to Dismiss to (i) 5/27/2022 and (ii) 6/13/2022 (Set Briefing Schedule: re <u>9</u> MOTION to Dismiss – Answering Brief due 5/27/2022. Reply Brief due 6/13/2022). ORDERED by Judge Maryellen Noreika on 4/28/2022. (dlw) (Entered: 04/28/2022)
05/27/2022	<u>I</u> <u>14</u>	ANSWERING BRIEF in Opposition re <u>9</u> MOTION to Dismiss or For a More Definite Statement as to Bus & Prof Code § 17200 Claim filed by Kytch, Inc. Reply Brief due date per <u>13</u> Stipulation and Order is is 6/13/2022. (Farnan, Brian) Modified on 5/31/2022 (dlw). (Entered: 05/27/2022)
06/13/2022	<u>I</u> <u>15</u>	REPLY BRIEF re <u>9</u> MOTION to Dismiss or For a More Definite Statement as to Bus & Prof Code § 17200 Claim filed by McDonald's Corporation. (Gaza, Anne) Modified on 6/14/2022 (dlw). (Entered: 06/13/2022)
06/14/2022	<u>I</u> <u>16</u>	NOTICE requesting Clerk to remove Nicole Gelsomini as co-counsel.. (Wilson, Samantha) (Entered: 06/14/2022)
02/15/2023	<u>I</u> <u>17</u>	ORAL ORDER Setting Hearing on (9 in 1:22-cv-00279-MN) (6 in 1:22-cv-00606-MN) MOTION to Dismiss – IT IS HEREBY ORDERED that a Motion Hearing is set for 3/29/2023 at 10:00 AM in Courtroom 4A before Judge Maryellen Noreika. The Court is setting aside 50 minutes for the hearing with the time split equally between the two cases and then between the parties. Any slide presentations the parties wish to use during the hearing shall be emailed (in PDF format) to MN_civil@ded.uscourts.gov no later than 24 hours prior to the hearing with hard copies delivered to the Clerk's office within one (1) hour thereafter. Counsel may, however, agree upon a different time to exchange to respective slides. ORDERED by Judge Maryellen Noreika on 2/15/2023. (dlw) (Entered: 02/15/2023)
03/29/2023	<u>I</u>	Minute Entry for proceedings held before Judge Maryellen Noreika – Motion Hearing held on 3/29/2023 re Motions to Dismiss (9 in 1:22-cv-00279-MN, 6 in 1:22-cv-00606-MN). After hearing arguments, the Motion to Dismiss in 1:22-cv-00279-MN is GRANTED-IN-PART and DENIED-IN-PART, and the Motion to Dismiss in 1:22-cv-00606-MN is GRANTED; the complaint is DISMISSED without prejudice. Further, the parties shall confer on whether these cases should be stayed, and submit a proposed briefing schedule if a party wishes to file such motion. The transcript shall serve as the Court's order. (Court Reporter Dale Hawkins.) Associated Cases: 1:22-cv-00279-MN, 1:22-cv-00606-MN(mdb) (Entered: 03/29/2023)
04/04/2023	<u>I</u> <u>18</u>	Official Transcript of Motion Hearing held on 03/29/2023 before Judge Maryellen Noreika. Court Reporter/Transcriber Dale C. Hawkins,Email: Dale_Hawkins@ded.uscourts.gov. Transcript may be viewed at the court public terminal or order/purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, it may be obtained through PACER. Redaction Request due 4/25/2023. Redacted Transcript Deadline set for 5/5/2023. Release of Transcript Restriction set for 7/3/2023. (dh) (Entered: 04/04/2023)
04/11/2023	<u>I</u> <u>19</u>	STIPULATION TO EXTEND TIME to Answer the Complaint to (1) May 5, 2023 or, if the case is transferred, to (2) five days after the above-captioned case is docketed in the transferee court. – filed by McDonald's Corporation. (Gaza, Anne) (Entered: 04/11/2023)
04/11/2023	<u>I</u>	SO ORDERED re <u>19</u> STIPULATION TO EXTEND TIME to Answer the Complaint to (1) May 5, 2023 or, if the case is transferred, to (2) five days after the above-captioned case is docketed in the transferee court. (Set/Reset Answer Deadlines: McDonald's Corporation answer due 5/5/2023). ORDERED by Judge Maryellen Noreika on 4/11/2023. (dlw) (Entered: 04/11/2023)
04/24/2023	<u>I</u> <u>20</u>	

		STIPULATION and [Proposed] Order to Transfer under 18 U.S.C. § 1404(a) by Kytch, Inc.. (Farnan, Brian) (Entered: 04/24/2023)
04/24/2023	<u>21</u>	SO ORDERED re <u>20</u> Stipulation and Order to Transfer Under 18 U.S.C. Section 1404(A). Signed by Judge Maryellen Noreika on 4/24/2023. (dlw) (Entered: 04/24/2023)